

Message Text

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ACTION EB-07

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E.O. 11652: N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR: CANADIAN DISAPPROVAL OF BICENTENNIAL AIR FARES

REF: STATE 032268

1. US NOTE TO EXTAFF, DATED FEBRUARY 14 DELIVERED FEBRUARY 18 (AFTER HOLIDAY WEEKEND) AND COURTESY COPY SENT AT SAME TIME TO AIR TRANSPORT COMMITTEE (D.F. QUIRT, DIRECTOR, OPERATIONS BRANCH). IN ABSENCE OF QUIRT, STATUS OF NEW FILING DISCUSSED FEBRUARY 28 WITH J.C. SULLIVAN (CHIEF, FARES, RATES AND SERVICES DIVISION). LATTER INDICATED TELEGRAM OF DISALLOWANCE HAD BEEN SENT TO UNITED ON FEBRUARY 25, WITHOUT REGARD TO PROVISIONS OF BILATERAL. HE DID NOT RECEIVE COURTESY COPY OF NOTE UNTIL AFTER TELEGRAM SENT ON FEBRUARY 25 NOR COPY OF NOTE FROM EXTAFF UNTIL FEBRUARY 26. (BASED ON OUR EXPERIENCE WITH OTHER MATTERS WE CAN UNDERSTAND HOW IT MIGHT TAKE EIGHT DAYS FOR PAPER TO FLOW FROM EXTAFF TO ACTION OFFICE IN ATC, BUT NEITHER WE NOR SULLIVAN HAVE EXPLANATION OF WHY COURTESY COPY SHOULD HAVE TAKEN SO LONG TO MOVE WITHIN QUIRT'S OFFICE.)

2. SULLIVAN ALSO ADVISED THAT, IN ADDITION TO THE UNITED REFILING, ATC HAS RECEIVED A VARIETY OF OTHER BICENTENNIAL TYPE REFILINGS FROM VARIOUS US CARRIERS

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FOR ROUTES IN THE 600 TO 1499 MILE RANGE. ATC

IS ALSO DISSATISFIED WITH THESE AND INTENDS TO MAKE SURE THEY DO NOT TAKE EFFECT. TCO GOT THE IMPRESSION THAT PRIOR TO OUR CONVERSATION, AND IN SPITE OF US NOTE, THEY WOULD SIMPLY HAVE BEEN ROUTINELY DISAPPROVED. HOWEVER, SULLIVAN AND TCO TOGETHER REVIEWED LANGUAGE OF ARTICLE 13 AND TCO EMPHASIZED THAT USG, SINCE IT HAD SENT THE FEBRUARY 14 NOTE, ATTACHED IMPORTANCE TO THE PROCEDURES SPELLED OUT IN BILATERAL. SULLIVAN OBSERVED THAT FIFTEEN DAY PERIOD FOR ADVISING USG OF DISSATISFACTION WOULD RUN OUT NEXT TUESDAY, MARCH 4. WE GOT THE IMPRESSION SULLIVAN WOULD MAKE EFFORT TO SEE THAT PROCEDURES WERE FOLLOWED.

3. COMMENT; WE ARE NOT FULLY CONFIDENT THAT THIS WILL BE THE CASE. SULLIVAN BY WAY OF BACKGROUND EMPHASIZED THE DIFFICULTIES CAUSED BY THE 15 AND 30 DAY PERIODS OF ARTICLE 13 TO HIS LIMITED STAFF AND THE DELAYS INVOLVED IN RECEIVING THE FULL TEXTS OF FILINGS FROM THE AIR TARIFF PUBLISHERS, RECEIVING THE OBJECTIONS FROM CANADIAN CARRIERS, GOING BACK TO THEM FOR ADEQUATE SUPPORTING MATERIALS, AND ANALYZING ALL THIS PRIOR TO THE 15 DAY DEADLINE. THIS EMPHASIS ON LIMITED STAFF AND INABILITY COPE WITH FLOW OF WORK CONSISTENT WITH OUR EXPERIENCE IN OTHER CASES AND WITH COMPLAINTS OF DOMESTIC AVIATION INDUSTRY.

4. TCO HAS ATTEMPTED TO DISCUSS MATTER WITH EXTAFF BUT OFFICER RESPONSIBLE FOR AVIATION (SIMARD) IS OUT OF COUNTRY ON NEGOTIATING MISSION. EFFORTS TO REACH FULFORD (DIRECTOR, TRANSPORT, COMMUNICATIONS AND ENERGY DIV.) ALSO UNSUCCESSFUL, BUT WE HAVE OUTLINED QUESTION TO MISS HALL, ANOTHER OFFICER IN THAT DIVISION. INDICATED WE WOULD LIKE AN EXTAFF ASSURANCE THAT PROCEDURES OF BILATERAL WILL BE ADHERED TO. MISS HALL REPLIED THAT SHE WOULD LOOK INTO MATTER AND ADVISE AS SOON AS POSSIBLE. THAT MAY BE NEXT WEEK.

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